

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C) .No. 15837 of 2007 (I)

PETITIONERS:

1. T.MAMMED KOYA, MANAGING PARTNER, VENGALI SAW MILL
WEST KALLAYI, KOZHIKODE.
2. ABDUL RAHMAN, S/O.MOIDEEN, KUNNATH HOUSE, WEST KLLAYI,
KOZHIKODE.
3. ABDUL KALAM.A., MANAGING PARTNER,
M.K.AHAMMED KUTTY AND COMPANY.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:

1. THE TAHSILDAR, TALUK OFFICE, KOZHIKODE.
2. THE REVENUE DIVISIONAL OFFICER, KOZHIKODE.
3. STATE OF KERALA, REP. BY SECRETARY,
DEPT. OF REVENUE, SECRETARIAT, TRIVANDRUM.

BY G.P.SHRI.D.ANILKUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.15837 of 2007

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Dated this the 25th day of May, 2007

J U D G M E N T

The petitioners have been issued proceedings under the Land Conservancy Act for eviction from the properties occupied by them. According to the petitioners, the land absolutely belongs to them. Earlier proceedings were initiated against the said land under the Land Conservancy Act itself which was ultimately decided in the petitioners' favour and as such, the present proceedings are illegal and unsustainable. The petitioners also submit that in the impugned orders, there is no indication as to the area which is sought to be resumed by the Government. In the above circumstances, the petitioners have filed Exts.P13, P14 and P15 representations before the District Collector seeking consideration of their case after considering their title deeds as also the documents submitted by them.

2. I have heard the learned counsel for the

petitioners as also the learned Government Pleader.

3. In the facts and circumstances of the case disclosed in the writ petition, I am satisfied that the District Collector should take a second look into the matter and satisfy himself as to whether in view of the documents produced by the petitioners, they have to be evicted from the land in question. Accordingly, I direct the District Collector to consider Exts.P13, P14 and P15 in the light of the documents produced by the petitioners and pass appropriate orders before taking further proceedings pursuant to Exts.P10 to P12. However, I make it clear that I have not considered the matter on merits and it would be open to the District Collector to take an independent decision, which shall be taken after considering the documents produced by the petitioners.

Writ petition is disposed of as above.

Sd/-

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S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.

